

ORIGINAL

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

RICHARD DAVIMOS, JR. )  
 )  
Plaintiff )  
 )  
V. )  
JOHN HALLE' and )  
SHARON HALLE', )  
 )  
Defendants )

Case No. 2:13-CV-00225-GZS

VIDEOTAPED DEPOSITION of JOHN R. HALLE', taken pursuant to notice dated November 21, 2013, at the law offices of Marcus, Clegg & Mistretta, P.A., One Canal Plaza, Portland, Maine, on December 5, 2013, commencing at 10:05 a.m., before Kimberly B. Arsenault, RPR, a Notary Public in and for the State of Maine.

APPEARANCES:

For the Plaintiff:

LEE H. BALS, ESQ.  
JENNIE L. CLEGG, ESQ.  
KARAM NAHAS, ESQ.  
DAMIAN J. PIETANZA, ESQ.

For the Defendants:

MARGARET M. O'KEEFE, ESQ.

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1 JOHN R. HALLE', having been duly sworn by the Notary  
2 Public, was examined and deposed as follows:

3 EXAMINATION

4 BY MR. BALS:

5 Q. Could you state your full name for the record,  
6 please?

7 A. John R. Halle'.

8 Q. Mr. Halle', have you -- when you say John R.  
9 Halle', have you gone by any other names?

10 A. So John Raymond and then John is English for  
11 Jean, which is -- I'm French. So Jean is my real  
12 name and I go by the name John.

13 Q. So what is your legal name?

14 A. That's a good question. My driver's license says  
15 John, my passport says Jean.

16 Q. All right. Have you ever been deposed before?

17 A. Yes, I have.

18 Q. How many occasions?

19 A. I can't recall how many occasions. Just a couple  
20 of months ago I got deposed on a divorce case.

21 Q. So let me -- let me just make sure I understand.  
22 You don't know how many times you've been deposed  
23 before?

24 A. That's correct.

25 Q. Can you estimate for me?

1           You may answer.

2   Q.   Well, that's my question. Do you know if Jenis  
3       Holding Company, LLC was formed as a Florida  
4       limited liability company?

5   A.   Yes.

6   Q.   Okay. Why was it -- do you know why it was  
7       formed as a Florida limited liability company?

8   A.   No, I don't recall why we would have filed that  
9       as a -- as a Florida corporation.

10   Q.   When you say we, who is the we you're referring  
11       to?

12   A.   So -- you know, so the way the -- our affairs are  
13       managed, you know --

14   Q.   Who is our?

15   A.   So my wife, the companies and --

16           MS. O'KEEFE: Let's let the witness  
17       finish the answer before --

18   Q.   I didn't mean to interrupt, so you go ahead.

19   A.   So --

20   Q.   So I was asking -- my question for you is who is  
21       the we you're referring to, but I'm also -- you  
22       also referred to our. So who is the we and our  
23       you're referring to in your previous answer?

24   A.   So, you know, I manage a bunch of funds and I  
25       manage a bunch of companies and I have a staff, I

1 have lawyers and these documents are put in front  
2 of me, you know, left and right and I'm asked to  
3 sign then. And at the end of the day they make  
4 the decisions -- the attorneys make the decision  
5 of where we file the corporations, whether they  
6 be Florida, Delaware, New Hampshire, Maine. So  
7 I'm not involved in that decision making process.  
8 I take their advice. When I pay an attorney, I  
9 usually take their advice. And so things are put  
10 in front of me and -- you know, and I'm told  
11 where to sign and under what capacity to sign.

12 Q. Were you involved in any way in the decision to  
13 form Jenis Holding Company, LLC?

14 A. I would assume I was, yes.

15 Q. When you say assume, I'm not sure what you mean.

16 A. Well, Jenis stands for John, Nicholas and Sharon,  
17 so, you know -- so it's -- you know, I would have  
18 been involved in the formation of the company;  
19 yes.

20 Q. Okay. So who decided to form a company called  
21 Jenis Holding Company, LLC?

22 A. So the -- the attorneys would have advised, you  
23 know, to form this corporation.

24 Q. Well, which attorney?

25 A. So I employ an awful lot of attorneys. You

1 Q. Do you know the purpose of setting up this Jenis  
2 Holding Company, LLC?

3 A. It's to -- you know, to be honest with you, I  
4 don't even recall why Jenis Holdings was put  
5 into -- into effect. So -- so I can't recall  
6 that. And that's the best answer I can give you.

7 Q. Who -- do you know how we -- do you know where we  
8 would be able to find any information as to why  
9 it was created?

10 A. I mean, there are corporate books and -- and  
11 that -- that tell who the members are and the  
12 like, but the intent, you know, of forming a  
13 corporation -- I mean, you know, in the past 10,  
14 12 years, you know, we do four, five, six, seven,  
15 eight, nine of them a year. So, I mean --

16 Q. Who is we?

17 A. So, you know, I run a company called Cate Street  
18 Capital and we form corporations on a monthly  
19 basis. And -- so, you know, the exact nature or  
20 why -- you're talking -- you're asking me to go  
21 back to 2006 and remember why I formed a  
22 corporation that had little or no assets. So  
23 it -- it was not a very important thing in my  
24 mind so it's not something that stuck in my  
25 memory.

1 Q. Well, is Cate Street Capital associated in some  
2 fashion with Jenis Holding Company, LLC?

3 A. No. I'm just telling you that -- that -- that,  
4 you know, I'm involved on a daily basis in  
5 forming corporations, in handling those kinds of  
6 matters. And so to try to go back to 2006 and  
7 2007 and try to figure out why this specific  
8 corporation was formed and what was the intent at  
9 the time -- you know, we're very transactional so  
10 it's tough to recall that stuff. You know,  
11 maybe, you know, if I get, you know, another  
12 couple hours -- maybe if you ask this question at  
13 the end of the day, then I might be able to  
14 remember why. But at this instance I don't.

15 Q. All right. But I want to come back to -- just to  
16 be clear, you said -- I think, if I understood  
17 what you're saying -- and I'm not meaning to  
18 mischaracterize your testimony -- Cate Street  
19 Capital forms companies all the time, right?

20 A. That's correct.

21 Q. Did Cate Street Capital have some role in the  
22 formation of Jenis Holding Company, LLC?

23 A. No, it hasn't.

24 Q. Okay. So who -- who did? I mean, other than  
25 the -- it being the attorneys who were involved

1 whose -- at whose direction was this company  
2 created?

3 MS. O'KEEFE: Again, I'm inserting the  
4 privilege. I understand your question to be  
5 other than the attorneys.

6 MR. BALS: Right.

7 MS. O'KEEFE: You may answer.

8 A. Other than attorneys. I would say just, you  
9 know, myself and Sharon. I mean, like I said,  
10 Jenis stands for John, Nicholas and Sharon. John  
11 and Nicholas are my sons and Sharon is my wife.  
12 I think you met her yesterday. So those -- you  
13 know, so my assumption if -- you know -- and,  
14 again, this is an assumption, is that me and  
15 Sharon, you know, discussed, you know, where to  
16 park my car or I think there was a boat that  
17 was -- that was parked in there a couple of years  
18 ago. And so I think that that was the -- the  
19 intent of the corporation is to put cars and --  
20 and assets like that into that corporation.

21 Q. Your personal assets?

22 A. Not my personal assets.

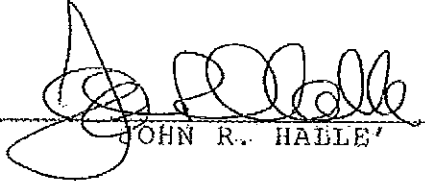
23 MS. O'KEEFE: Objection. Calls for a  
24 legal conclusion.

25 You may answer.

1 VIDEOGRAPHER: The time is 2:54. We're  
2 off the record.


3 (Discussion off the record.)

4 (The deposition was adjourned at 4:42 p.m.)  
5  
6  
7

8   
9 JOHN R. HALLE'

10  
11  
12 Subscribed and sworn to before me

13  
14 this 24 of February 2013.  
15

16   
17 Notary Public

KATELYN A. PAYNE  
Notary Public, Maine  
Commission Expires September 24, 2020

18  
19 Case Name: Richard Davimos, Jr. v. John Halle', et al.  
20 Deposition Date: December 5, 2013  
21  
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CERTIFICATE

I, Kimberly B. Arsenault, a Notary Public in and for the State of Maine, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth and nothing but the truth, in the aforementioned cause of action.

I further certify that this deposition was stenographically reported by me and later reduced to print through Computer-Aided Transcription, and the foregoing is a full and true record of the testimony given by the deponent to the best of my skill, ability and knowledge.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF I subscribe my hand this 13<sup>th</sup> day of December, 2013. Dated at North Yarmouth, Maine.

Kimberly B. Arsenault  
Notary Public

My Commission Expires  
March 18, 2015.